

Brian M. English  
Matthew P. O'Malley  
TOMPKINS, MCGUIRE, WACHENFELD & BARRY, LLP  
Four Gateway Center  
100 Mulberry Street, Suite 5  
Newark, N.J. 07102-4056  
Tel. (973) 623-7491  
Fax (973) 623-7481  
benglish@tompkinsmcguire.com

*Attorneys for Plaintiffs sanofi-aventis Deutschland GmbH,  
Aventis Pharma S.A., Abbott GmbH & Co. KG, and Abbott Laboratories*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SANOFI-AVENTIS DEUTSCHLAND	)	Civil Action No. 07-CV-05855(DMC)(MF)
GMBH, and AVENTIS PHARMA S.A.,	)	
ABBOTT GMBH & CO. KG, and ABBOTT	)	
LABORATORIES,	)	
Plaintiffs,	)	<b>BRIEF IN SUPPORT OF PLAINTIFFS'</b>
v.	)	<b>MOTION TO FILE DOCUMENTS</b>
	)	<b>UNDER SEAL PURSUANT TO L. CIV. R.</b>
	)	<b>5.3</b>
	)	
GLENMARK PHARMACEUTICALS INC.,	)	
USA and GLENMARK	)	
PHARMACEUTICALS LTD.,	)	
Defendants.	)	
	)	
	)	
	)	
	)	

---

Plaintiffs sanofi-aventis Deutschland GmbH, Aventis Pharma S.A., Abbott GmbH & Co. KG, and Abbott Laboratories (collectively, "Plaintiffs"), pursuant to Local Civil Rule 5.3, respectfully submit this Brief in Support of their motion to seal certain materials in connection with Plaintiffs' Opposition to the Motion for Summary Judgment by Defendants Glenmark Pharmaceuticals Inc., USA and Glenmark Pharmaceuticals Ltd. (collectively, "Glenmark") that

Claims 1-4, 7 and 10 of U.S. Patent 5,721,244 are Invalid (“Plaintiffs’ Opposition”) which is being filed simultaneously with the Court.

Plaintiffs request the following materials be sealed:

(i) Unredacted version of Plaintiffs’ Memorandum of Law in Opposition to Glenmark’s Motion for Summary Judgment that Claims 1-4, 7 and 10 of U.S. Patent 5,721,244 are Invalid, with redacted portions referring to information designated confidential by Plaintiffs;

(ii) Unredacted version of Plaintiffs’ Supplemental Statement of Undisputed Facts in Support of Their Opposition to Glenmark’s Motion for Summary Judgment that Claims 1-4, 7 and 10 of U.S. Patent 5,721,244 are Invalid, with redacted portions referring to information designated confidential by Plaintiffs;

(iii) Unredacted version of Plaintiffs’ Response to Glenmark’s Statement of Material Facts Not in Dispute in Support of Their Motion for Summary Judgment that Claims 1-4, 7 and 10 of U.S. Patent 5,721,244 are Invalid, with redacted portions referring to information designated confidential by Plaintiffs;

(iv) Unredacted version of the Declaration of Dr. Robert W. Piepho, with redacted portions referring to information designated confidential by Plaintiffs; and

(v) Unredacted version of the Declaration of Sapna W. Palla in Support of Plaintiffs’ Opposition, with redacted portions referring to information designated confidential by Plaintiffs.

The Court entered a Stipulated Discovery Confidentiality Order on July 16, 2008 to govern information produced during discovery in this case. ( Dkt. 20.) Pursuant to the Stipulated Discovery Confidentiality Order, all parties may maintain the confidentiality of their sensitive and confidential information. During the course of discovery, confidential information has been designated by the parties as such.

In this context, Plaintiffs request the Court to seal the afore-said materials because the materials contain either documents and/or information garnered from the documents which Plaintiffs have designated as "Confidential" pursuant to the Stipulated Protective Order. Plaintiffs assigned these designations to protect their business interests, and should the relief sought herein be denied, Plaintiffs contend that disclosure of such information would result in serious competitive injury. See L. Civ. R. 5.3(c)(2).

Therefore, Plaintiffs respectfully submit that the afore-mentioned materials should be permitted to be filed under seal in order to preserve their confidentiality, as designated by Plaintiffs.

Dated: September 21, 2009

By:/s/ Brian M. English \_\_\_\_\_

OF COUNSEL:

Benjamin C. Hsing  
Sapna W. Palla  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, New York 10022  
Tel. (212) 836-8000  
Fax. (212) 836-8689

*Attorneys for Plaintiffs  
sanofi-aventis Pharma Deutschland GmbH and  
Aventis Pharma S.A.*

John Allcock  
Erica Pascal  
DLA Piper LLP (US)  
401 B Street, Suite 1700  
San Diego, California 92101  
Tel. (619) 699.2639 T  
Fax (619) 699.2701 F

*Attorneys for Plaintiffs  
Abbott GmbH & Co. KG and Abbott  
Laboratories*

Brian M. English  
Matthew P. O'Malley  
TOMPKINS, MCGUIRE,  
WACHENFELD & BARRY, LLP  
Four Gateway Center  
100 Mulberry Street, Suite 5  
Newark, N.J. 07102-4056  
Tel. (973) 623-7491  
Fax (973) 623-7481  
benglish@tompkinsmcguire.com

*Attorneys for Plaintiffs sanofi-aventis  
Deutschland GmbH, Aventis Pharma S.A.,  
Abbott GmbH & Co. KG, and Abbott  
Laboratories*

